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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,426	12/22/2000	Balaji Raghunathan	0007056-0176/P5745NP/ARG/	1482

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SONNENSCHN NATH & ROSENTHAL LLP
FOR SUN MICROSYSTEMS
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/747,426	Applicant(s) RAGHUNATHAN ET AL.	
	Examiner George C. Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-28 and 36-39 are currently presented and have been examined.

Response to Amendment

The affidavit filed on 22 February 2005 under 37 CFR 1.131 is sufficient to overcome the Weisman reference.

Response to Arguments

Applicant's arguments filed 19 September 2005 have been fully considered but they are not persuasive.

The Applicant argues that Jordan does not disclose "servicing said units in order". The Examiner does not agree. Jordan does disclose this limitation (paragraphs 0260-0265, 0315-0318, and 0346-0348).

The Applicant argues that Jordan does not disclose "said smaller units are placed in a queue". The Examiner does not agree. Jordan does disclose this limitation (paragraphs 0260-0265, 0315-0318, and 0346-0348, specifically paragraph 0316).

The Applicant argues that Jordan does not disclose "said units are defined by an XML <envelope> and an XML </envelope> tag". The Examiner does not agree. Jordan discloses that the disclosed invention uses the SOAP protocol. The Examiner cites as evidence the "Simple Object Access Protocol (SOAP) 1.1" document cited in the Office Action mailed 21 October 2004

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wherein the "SOAP" protocol exchanges XML messages over a network (see Abstract). Further, in section 4 of the document, it is disclosed wherein the SOAP protocol uses XML tags known as <envelope> and </envelope> to define an "envelope". Therefore, Jordan does disclose these limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-28 and 36-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite the limitation "dividing said client requests into one or more smaller units" wherein "said units are defined by an XML <envelope> and an XML </envelope> tag". In view of the cited prior art in this Office Action, specifically "Extensible Markup Language (XML) 1.0" and "Extensible Markup

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Language (XML) 1.0 Second Edition" specifications of the XML language, the cited prior art anticipates the claimed invention, there is no disclosure of an "<envelope>" or "</envelope>" tag and the specification does not adequately describe how the units are defined by these tags and how the tags functionally interrelates to the operation of the invention.

In further view of the "Simple Object Access Protocol (SOAP) 1.1" cited in the Office Action mailed 21 October 2004 which discloses an XML tag known as an "envelope" (see section 4 of the "SOAP 1.1" document, which appears to enable the use of an <envelope> and </envelope> tag in XML, the specification does not disclose the use of this SOAP protocol. Therefore, the claimed subject matter does not reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention.

Claims 1-29 and 36-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-28 and 36-39 recite the limitation "dividing said client requests into one or more smaller units" wherein "said

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units are defined by an XML <envelope> and an XML </envelope> tag". These limitations are not described in the specification in order for one of ordinary skill in the art to make and/or use the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-28 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2002/0069157 to Jordan.

Regarding claims 1, 8, 15, and 22, Jordan discloses a method, computer program product, server framework, system, and apparatus comprising:

obtaining one or more of said client requests for hierarchically organized data at a server; (paragraphs 0254, 0305, 0320, and 0415)

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dividing ("parsing") said client requests into one or more smaller units; (paragraph 0258) and

servicing said units in order (paragraphs 0260-0265, 0305, 0315-0318, 0320, and 0346-0348).

Regarding claims 2, 9, 16, and 23, Jordan discloses wherein said client requests are in XML format. (paragraph 0217 and 0219)

Regarding claims 3, 10, 17, and 24, Jordan discloses wherein said hierarchically organized data is stored using a Document Object Model. (paragraph 0217)

Regarding claims 4, 11, 18, and 25, Jordan discloses wherein said smaller units are placed in a queue. (paragraphs 0346)

Regarding claims 5, 12, 19, and 26, Jordan discloses wherein the server is a registry server. (paragraph 0057)

Regarding claims 6, 13, 20, 27, and 34, Jordan discloses wherein said queue is handled using a FIFO scheduling algorithm. (paragraphs 0346)

Regarding claims 7, 14, 21, 28, and 35, Jordan discloses the method of claim 1 wherein said units are defined by an XML <envelope> and an XML </envelope> tag. ("SOAP"; paragraph 0219)

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Regarding claims 36-39, Jordan discloses wherein said units represent portions of multiple client requests. (paragraphs 0219, 0315-0318, and 0414-0415)

Conclusion

The following prior art listed in the PTO-892 form included with this Office Action discloses methods, systems, and/or apparatuses similar to those claimed and recited in the specification.

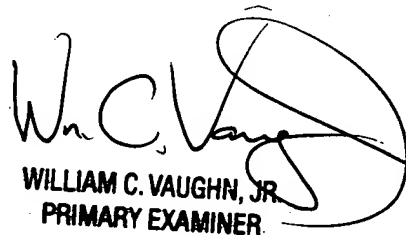
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER